IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

DONNA CURLING, et al.,

:

Plaintiffs, :

v. CIVIL ACTION NO.

: 1:17-CV-2989-AT

BRIAN KEMP, et al.,

:

Defendants. :

ORDER

Plaintiffs allege in this litigation that constitutional and statutory rights of Georgia voters in Fulton, DeKalb and Cobb Counties have been, and are being, violated by the Defendants' use of electronic voting equipment to conduct elections. Defendants deny those allegations, and have filed motions to dismiss all claims.

Preservation of all evidence relevant to the claims and defenses in this litigation is essential to resolution of the claims in the event this case moves beyond the motion to dismiss stage. In order to preserve all evidence relevant to this litigation, the Court expects the parties to work cooperatively and in good faith to preserve evidence. Further, the Court reminds all parties of their professional duties to preserve evidence reasonably expected to become material as framed by the operative allegations in the case. Additionally, the Court expects

the State Defendants (i.e., Brian P. Kemp, the State Election Board and its

individual members, and Merle King) to communicate on a timely basis with all

relevant third parties, such as the Federal Bureau of Investigation, regarding

assistance in the immediate preservation of relevant data; data storage; media

devices, discs, and tapes; and other relevant software, data, and hardware in this

case.

At the same time, the Court recognizes this case involves governments and

public officials with legal duties and responsibilities to execute the business of the

State of Georgia, including preparations for upcoming and future elections.

Inherent in those duties is the transmission of data by and between the

codefendants and various other agents of the state government and/or third

parties.

Failure to obey this Order in good faith by any party or entity may result in

the imposition of sanctions pursuant to Fed. R. Civ. P. 37(b)(2) or contempt

proceedings. If there should be any dispute or confusion about compliance with

this Order, the Parties should first confer, and if the issues cannot be resolved,

the Parties should notify the Court and request a phone conference, as

appropriate.

IT IS SO ORDERED this 15th day of December, 2017.

Amy **Tø**tenbe<mark>r</mark>g

United States District Judge

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